

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **01/11/2012**

Received By: **gmalaise**

Wanted: **Soon**

Companion to LRB:

For: **Samantha Kerkman (608) 266-2530**

By/Representing: **Alison Morrell**

May Contact:

Drafter: **gmalaise**

Subject: **Children - out-of-home placement**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kerkman@legis.wisconsin.gov**

Carbon copy (CC:) to: **maryann.lippert@wisconsin.gov**

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### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Child welfare; out-of-home placements; concurrent permanency planning; trial reunifications, permanent living arrangements

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 02/01/2012	wjackson 02/06/2012		_____ _____			S&L
/1			jmurphy 02/06/2012	_____ _____	mbarman 02/06/2012		S&L
/2	gmalaise 02/09/2012	wjackson 02/09/2012	phenry 02/10/2012	_____ _____	ggodwin 02/10/2012	lparisi 02/17/2012	

FE Sent For:

<END>

→ A+  
Intro.

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/1	gmalaise	12 WLY 2/16	jmurphy 02/06/2012	JK	mbarman 02/06/2012		S&L

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/?	gmalaise	1 WJ 2/6	Jm 2/6	Jm + PH 2/6			

FE Sent For:

<END>

**Malaise, Gordon**

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**From:** Godwin, Gigi  
**Sent:** Wednesday, January 11, 2012 11:49 AM  
**To:** Malaise, Gordon  
**Subject:** FW: Drafting request: Kerkman  
**Attachments:** Spring 2012 Best outcomes for Children (PIP).doc  
Hi Gordon. Here is a drafting request for you. Thanks much, Gigi

Gigi Godwin, Program Assistant  
State of Wisconsin - Legislative Reference Bureau  
1 East Main Street, Suite 200  
Madison, WI 53703  
(608) 266-3561  
Gigi.Godwin@legis.wisconsin.gov

---

**From:** Morrell, Alison  
**Sent:** Wednesday, January 11, 2012 11:45 AM  
**To:** LRB.Legal  
**Subject:** Drafting request: Kerkman

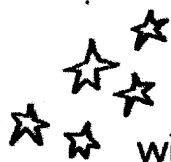
Representative Kerkman would like the attached drafted as a bill at the request of the Department of Children and Families. It pertains to Wisconsin's Program Improvement Plan for Child Welfare (PIP).

Please feel free to contact our office or the Department directly. We have been working with Mary Anne Lippert on this proposed legislation.

Thank you.

***Alison Morrell***  
Office of State Representative Samantha Kerkman  
66th Assembly District of Wisconsin  
315 North, State Capitol  
608-266-2530





# wisconsin department of children & families

201 East Washington Avenue, Room G200

P.O. Box 8916

Madison, WI 53708-8916

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Governor Scott Walker  
Secretary Eloise Anderson

Secretary's Office

## Best Outcomes for Children

This legislative proposal is part of Wisconsin's Program Improvement Plan (PIP) for child welfare. It would codify two nationally recognized best practices: concurrent planning and trial reunification; clarify the use of Other Planned Permanent Living Arrangements (OPPLA); and streamline recordkeeping with the use of a "case plan."

### Concurrent Planning

#### Background

Concurrent planning is a case management method emphasizing goal setting and time limits with parents and the agency responsible for the provision of services. While establishing goals and timelines for family reunification, concurrent planning also involves simultaneous activities moving toward permanency on alternative paths. Concurrent planning involves the practice of engaging parents in a discussion about all the permanence options. Research has proven specific benefits for children through the use of concurrent planning.

#### Issue

Current law (s. 48.355(2b)) simply allows for the child welfare agency to make reasonable efforts to seek other permanency options while at the same time making reasonable efforts to prevent removal or return the child to his or her home. Further requirements or guidelines for using concurrent planning currently do not exist in either state law or policy. Under the state's Program Improvement Plan, policy guidance and directives around concurrent planning will be included in the revision of the Child Welfare Ongoing Services Standards.

Feedback from the agency, provider, and legal community has confirmed that effective implementation of the use of concurrent planning to achieve permanency in a more timely manner is not possible without some further direction in the state statutes. This is necessary to ensure full participation by both the agency and court system in the use of concurrent planning.

#### Drafting Instructions

1. Add a definition of concurrent planning to the statutes.

- Draft Definition:

Concurrent planning is a practice model in which reasonable efforts are made by the agency to work simultaneously towards multiple permanency goals for the child as defined by 48.38(4)(fg).

T 608.266.8684 F 608.261.6972 [dcf.wi.gov](http://dcf.wi.gov)

2. Add statutory language to include the following requirements and changes:

- The agency is required to determine whether concurrent planning should be used in accordance with standards established by the department.
- If the agency determines, in accordance with standards established by the department, that concurrent planning should be used, the permanency plan shall include the agency's determination that a concurrent plan should be used and the agency's reasons why. The permanency plan shall also include a description of the concurrent plan and the concurrent goals being pursued simultaneously for the child.
- The court or administrative review panel must review the agency's determination for any concurrent permanence goal at the permanency plan review. The agency's determination will be made in accordance with standards established by the department. If the court or panel does not approve the determination that there should be concurrent permanence goals, the court shall state on the record the reasons why.

## **Trial Reunification**

### Background

A trial reunification can occur when a child has been in an out-of-home care placement, but is returned to the parents or other primary caregivers for a limited and specified period of time for the purpose of determining the appropriateness of reunification, while still under continuing court-ordered supervision. Trial reunification can be used in cases involving maltreatment, or other kinds of cases where a temporary return home would be useful to determine the appropriateness of permanent reunification.

Trial reunification is an important option for families where reunification is the goal, but all the components for a successful reunification do not yet exist, or exist with temporary supports in place. In those cases reunification may be possible, but a return home needs to be evaluated before reunification can be achieved.

### Issue

Current departmental policy sets certain standards for the trial reunification process (DSP numbered memo 2008-03), and there are federal laws regarding its use, but nothing is set forth in Wisconsin statutes. Thus there are no legal parameters in state law authorizing its practice or setting forth the legal process, even though state policy requires informing and involvement with the court by agency staff. Because the legal authority to use this option is not clear in statutes, many Wisconsin courts (as well as child welfare agencies) are hesitant to use it, and many children are missing the opportunity to return home on a trial basis, which can often lead to permanent reunification more quickly and successfully.

### Drafting Instructions

Language should be added to the statutes in both Ch. 48 and Ch. 938 to establish trial reunification as a placement option without the court case being closed, and to define the requirements and parameters for the use of trial reunification. The following requirements should be included:

1. A definition of a trial reunification to distinguish it from a return home (include that permanency planning must continue, and that safety assessments and planning must continue).

- ✦ Draft definition:

A trial reunification occurs when a child has been in an out-of-home care placement, and stays with the parents or other primary caregivers for a limited and specified period of time for the purpose of determining the appropriateness of reunification, although the dispositional order designates an out-of-home placement.

2. Add statutory language to include the following requirements and changes:

- ✦ A procedure for the court to order a trial reunification that mirrors current statutory procedures for a Change of Placement

- ✦ Include notification requirements and rights to object by all parties and caregivers.

- ✦ Specify that trial reunifications may not be ordered on an emergency basis.

- ✦ Procedures for revoking a trial reunification in cases where there is a new incident of abuse or neglect, or in cases where the trial reunification is simply no longer successful

- ✦ This must include parents' due process rights and rights to object to the revocation.

- ✦ Limit the term of a trial reunification to 90 days, and allow an extension of 2 months. (No trial reunification would be longer than 5 months.)

- ✦ Change references to "trial home visit" to "trial reunification" in the statutes.

3. Also include where needed:

- ✦ As provided in 45 CFR 1356.21(i)(i)A, anytime a child spends on a trial reunification is not included in the statutory timeline that requires an agency to request a petition for termination of parental rights when a child has been in out-of-home care for 15 of the most recent 22 months absent documentation of an exception under s. 48.417(2) stats.

- A child is considered to remain in out-of-home care while on a trial reunification so agencies must continue to comply with the permanency planning requirements of ss. 48.38 and 938.38, Stats.

- ✦ A child retains Title IV-E eligibility while on a trial reunification. If a child is on a trial reunification and returns to out-of-home care within 6 months, the agency may move the child without court intervention (federal law allows this for up to one year).

## **Other Planned Permanent Living Arrangements (OPPLA)**

### Background

A child's permanency plan should identify one or more legal permanency goals to be achieved, including reunification, adoption, or guardianship.

### Issue

Current statutory language implies encouragement of the use of sustaining care, independent living, or long-term foster care as viable or even legal permanent options. While the use of these options, known as Other Planned Permanent Living Arrangements (OPPLA), might sometimes be necessary, they should be considered a last resort as with any option that is not an accepted legal permanent placement for a child.

DCF is proposing the following changes to the statutes to clarify the use of OPPLA and the permanency goals:

- Move OPPLA to a distinct section to allow an agency to identify it as a permanency goal if there is a compelling reason to not choose another permanency goal, but distinguish it from the other permanency options to emphasize that it is not true long-term permanency for a child.
- Remove the reference to independent living.
- Add language that if OPPLA is identified, it must include a long-term permanent relationship with an adult.
- Move the language requiring documentation of a compelling reason to use OPPLA to the OPPLA section so that it does not get ignored in the introductory language.
- Require that if OPPLA is the permanency goal, then concurrent planning must be used to continue to pursue one of the other permanence goals.
- Make other technical changes to clarify the requirements for use of the permanency goals, by restructuring this statutory section without making changes to the meaning

### Drafting Instructing

Below is sample language to achieve the changes described above.

#### **48.38 Permanency planning.**

(4) CONTENTS OF PLAN. The permanency plan shall include all of the following:

(fg) 1. The goal of the permanency plan or, if the agency is making concurrent reasonable efforts under s. 48.355 (2b), the goals of the permanency plan which may be one or more of the following:

- a. Return of the child to the child's home.
- b. Placement of the child for adoption.
- c. Placement of the child with a guardian.
- d. Permanent placement of the child with a fit and willing relative.

2. a. If it is documented in the permanency plan that there are compelling reasons why it is not in the best interest of the child to pursue a permanent placement under subds. 1., the goal may be some other planned permanent living arrangement. This planned permanent living arrangement must include a long-term permanent relationship with an adult individual, and can include sustaining care or long-term foster care.
- b. If some other planned permanent living arrangement is identified as the goal, then the permanency plan must also include a concurrent plan for efforts to pursue a permanent placement under subds. 1.
- c. If some other planned permanent living arrangement is identified as the goal, the permanency plan shall include the rationale for deciding on that goal, as well as the efforts made to achieve that goal including, if appropriate, through an out-of-state placement.
3. If a goal of the permanency plan is to place the child for adoption, with a guardian, or with a fit and willing relative, the permanency plan shall include the rationale for deciding on that goal, as well as the efforts made to achieve that goal, including, if appropriate, through an out-of-state placement.

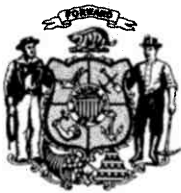
## **Integrated Case Plan**

### Background

Currently, staff are required to complete numerous documents and plans to meet state and federal requirements. This has resulted in the same information being repeated within, between, and among a variety of documents for the purpose of getting the same or similar information to different audiences (e.g., families, courts, attorneys, etc.). Under the PIP the division is integrating many of these plans into a single "Case Plan."

### Drafting Instructing

Change the phrase "permanency plan" throughout Chapter 48 to "case plan" to reflect updated policies



State of Wisconsin  
2011 - 2012 LEGISLATURE

IN 211

Wanted Mon 2/6

LPS: Please  
check A.Rs.

GMM



LRB-3802/

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WJ

Gen Cat

- 1 AN ACT ...; relating to: case planning for a child placed in out-of-home care,  
2 including concurrent permanency goals, trial reunifications, and planned  
3 permanent living arrangements for such a child, and granting rule-making  
4 authority.

*Analysis by the Legislative Reference Bureau*

**Introduction**

Under current law, for each child living in an out-of-home placement, the county department of human services or social services, the licensed child welfare agency, or, in Milwaukee County, the Department of Children and Families (DCF) that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child (collectively "agency") must prepare a permanency plan for the child. A permanency plan must describe, among other things, the goal or goals of the permanency plan, with those goals being either the safe return of the child to his or her home or placement of the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, such as sustaining care, independent living, or long-term foster care.

This bill changes the term "permanency plan" to "case plan" and makes certain other changes relating to case planning for a child placed in out-of-home care, including changes relating to: 1) concurrent planning; 2) trial reunifications; and 3) planned permanent living arrangements, for such a child.

**Concurrent planning**

Under current law, an agency, at the same time as the agency is making reasonable efforts to prevent the removal of a child from his or her home or to make

it possible for the child to return home, may work with an adoption agency in making reasonable efforts to place the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement (concurrent reasonable efforts). If an agency is making concurrent reasonable efforts, the child's permanency plan must include the goals of the permanency plan.

This bill eliminates the authority of an agency to make concurrent reasonable efforts and instead permits an agency to engage in concurrent planning, which the bill defines as reasonable efforts to work simultaneously towards achieving more than one permanency goal for a child. Under the bill, an agency determination whether to engage in concurrent planning must be made in accordance with standards established by DCF by rule for determining whether an agency should engage in concurrent planning (concurrent planning standards). If an agency determines to engage in concurrent planning for a child, the child's case plan must include the rationale for that determination and a description of the concurrent plan and the goals of the concurrent plan. In addition, if a child's case plan calls for concurrent planning, the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or a case plan review panel appointed by the juvenile court, in reviewing the child's case plan, must determine the appropriateness, in light of the concurrent planning standards established by DCF, of each of the permanency goals of the concurrent plan and, if the juvenile court or case plan review panel does not approve of any one or more of those goals, that court or panel must include in its determinations the reasons for that disapproval.

### ***Trial reunifications***

***Current law--changes in placement.*** Under current law, the juvenile court may order a change in placement for a child placed outside of his or her home under a dispositional order of the juvenile court. The juvenile court may grant such an order on the request of the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel or on the request of the child, the parent, guardian, legal custodian, or Indian custodian of the child, or any person or agency primarily bound by the dispositional order, other than the person or agency primarily responsible for implementing the dispositional order. Current law also permits the person or agency primarily responsible for implementing the dispositional order to make an emergency change in placement if emergency conditions necessitate an immediate change in placement.

If the change in placement is requested by the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel, the notice of the proposed change in placement must contain the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies the objectives of the treatment plan ordered by the juvenile court, and the juvenile court may order the change in placement without a hearing, unless a party receiving the notice files an objection.

If the change in placement is requested by the child, the parent, guardian, legal custodian, or Indian custodian of the child, or any person or agency primarily bound by the dispositional order, other than the person or agency primarily responsible for

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implementing the dispositional order, the request must state what new information is available that affects the advisability of the current placement, and the juvenile court must hold a hearing prior to ordering the change in placement, unless all parties receiving notice of the request sign written waivers of objection to the proposed change in placement.

sem  
***The bill--trial reunifications.*** This bill provides a similar procedure under which the juvenile court may order a trial reunification, which the bill defines as a return of a child who is placed in an out-of-home placement to the home of his or her parent or other primary caregiver for a specified and limited period for the purpose of determining the appropriateness of reunifying the child with that parent or other caregiver. The bill, however, does not permit an emergency trial reunification. Under the bill, if an emergency condition necessitates an immediate return of a child to the home of his or her parent or other primary caregiver, the person or agency primarily responsible for implementing the dispositional order must make an emergency change in placement as provided under current law.

Under the bill, the juvenile court may order a trial reunification on the request of the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel or on the request of the child, the parent, guardian, legal custodian, or Indian custodian of the child, or any person or agency primarily bound by the dispositional order, other than the person or agency primarily responsible for implementing the dispositional order.

If the trial reunification is requested by the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel, the notice of the proposed trial reunification must contain a statement describing why the trial reunification is preferable to the present placement and a statement describing how the trial reunification satisfies the objectives of the treatment plan ordered by the juvenile court, and the juvenile court may order the trial reunification without a hearing, unless a party receiving the notice files an objection.

If the trial reunification is requested by the child, the parent, guardian, legal custodian, or Indian custodian of the child, or any person or agency primarily bound by the dispositional order, other than the person or agency primarily responsible for implementing the dispositional order, the request must state what new information (plan) is available that indicates that the trial reunification is preferable to the present placement and must state that the trial reunification satisfies the objectives of the treatment plan ordered by the court, and the juvenile court must hold a hearing prior to ordering the trial reunification, unless all parties receiving notice of the request sign written waivers of objection to the proposed trial reunification.

If the juvenile court finds that the trial reunification is preferable to the present placement and that the trial reunification satisfies the objectives of the treatment plan ordered by the juvenile court, the juvenile court must grant an order authorizing the trial reunification. A trial reunification terminates 90 days after the date of the order, unless the juvenile court specifies a shorter period in the order, extends the trial reunification, or revokes the trial reunification. At the end of a trial reunification, the person or agency primarily responsible for implementing the



dispositional order may return the child to his or her out-of-home placement without further order of the juvenile court.

The bill also permits any person who is authorized to request a trial reunification to request an extension of the trial reunification. The request must contain a statement describing how the trial reunification is meeting the objectives of the treatment plan ordered by the court, and the same hearing requirements that apply to an original request for a trial reunification also apply to a request for an extension of a trial reunification. If the juvenile court finds that the trial reunification is meeting the objectives of the treatment plan ordered by the juvenile court, the juvenile court must grant an order extending the trial reunification for a period specified by the juvenile court not to exceed 60 days. Any number of extensions may be granted, but the total period for a trial reunification may not exceed 150 days.

In addition, the bill permits the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel to request the juvenile court to revoke a trial reunification if that person or agency, district attorney, or corporation counsel has reasonable cause to suspect that a child who has been returned to the home of his or her parent or other primary caregiver for a trial reunification has been abused or neglected, has reason to believe that such a child has been threatened with abuse or neglect and that abuse or neglect of the child is likely to occur, or otherwise has reason to believe that the trial reunification is not meeting the objectives of the treatment plan ordered by the juvenile court. The juvenile court must hold a hearing on a revocation request, and, if the juvenile court finds that the child, while returned to the home of his or her parent or other primary caregiver for a trial reunification, has been abused or neglected, or has been threatened with abuse or neglect and that abuse or neglect of the child is likely to occur, or finds that the trial reunification is not meeting the objectives of the treatment plan ordered by the juvenile court, the juvenile court must grant an order revoking the trial reunification and returning the child to his or her out-of-home placement.

### ***Other planned permanent living arrangement***

Under current law, if a goal of a child's permanency plan is an alternative permanent placement, the permanency plan must document a compelling reason why it would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative.

This bill changes the term "alternative permanent placement" to "other planned permanent living arrangement" and eliminates independent living as a planned permanent living arrangement option. The bill also permits a child's case plan to include the permanency goal of placement of the child in a planned permanent living arrangement only if the agency determines that there is a compelling reason why it would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative. If an agency makes that determination, the child's case plan must include: 1) a concurrent plan towards achieving the

permanency goal of safely returning<sup>g</sup> the child to his or her home or placing the child ★  
for adoption, with a guardian, or with a fit and willing relative as well as the  
permanency goal of placing the child in some other planned permanent living  
arrangement; and 2) the rationale for the permanency goal of placing the child in  
some other planned permanent living arrangement and the efforts made to achieve  
that goal, including, if appropriate, through an out-of-state placement.

For further information see the **state and local** fiscal estimate, which will be  
printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do  
enact as follows:***

1       **SECTION 1.** 48.028 (4) (g) 1. d. <sup>✓</sup>of the statutes is amended to read:

2       48.028 (4) (g) 1. d. Arrangements were made to provide natural and  
3       unsupervised family interaction in the most natural setting that can ensure the  
4       Indian child's safety, as appropriate to the goals of the Indian child's permanency  
5       <sup>✓</sup>case plan, including arrangements for transportation and other assistance to enable  
6       family members to participate in that interaction.

History: 1981 c. 81; 2009 a. 94; 2011 a. 87.

7       **SECTION 2.** 48.07 (5) (c) of the statutes is amended to read:

8       48.07 (5) (c) *Training.* A court-appointed special advocate program shall  
9       require a volunteer or employee of the program selected under par. (b) to complete  
10      a training program before the volunteer or employee may be designated as a  
11      court-appointed special advocate under s. 48.236 (1). The training program shall  
12      include instruction on recognizing child abuse and neglect, cultural competency, as  
13      defined in s. 48.982 (1) (bm), child development, the procedures of the court,  
14      <sup>✓</sup>permanency case planning, the activities of a court-appointed special advocate  
15      under s. 48.236 (3) and information gathering and documentation, and shall include  
16      observation of a proceeding under s. 48.13. A court-appointed special advocate

1 program shall also require each volunteer and employee of the program selected  
2 under par. (b) to complete continuing training annually.

**History:** 1975 c. 39; 1977 c. 271, 354, 447; 1979 c. 34; 1981 c. 314 s. 146; 1983 a. 27 s. 2202 (20); 1985 a. 176; 1989 a. 31, 107; 1993 a. 446; 1995 a. 27, 77; 1997 a. 27, 292; 1999 a. 149.

3 **SECTION 3.** 48.21 (5) (d) of the statutes is amended to read:

4 48.21 (5) (d) If the judge or circuit court commissioner finds that any of the  
5 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
6 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)  
7 within 30 days after the date of that finding to determine the permanency <sup>✓</sup>case plan  
8 for the child.

**History:** 1977 c. 354, 447; 1979 c. 300; 1983 a. 399; 1985 a. 311; 1993 a. 98; 1995 a. 27, 77, 275; 1997 a. 35, 237, 292; 2001 a. 16, 61, 109; 2005 a. 232; 2007 a. 20; 2009 a. 28, 79, 94.

9 **SECTION 4.** 48.235 (4) (a) 1. of the statutes is amended to read:

10 48.235 (4) (a) 1. Participate in permanency <sup>✓</sup>case planning under ss. 48.38 and  
11 48.43 (5).

**History:** Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 189, 263; 1993 a. 16, 318, 395; 1995 a. 27, 275; 1997 a. 237, 292, 334; 1999 a. 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 20; 2009 a. 94.

12 **SECTION 5.** 48.235 (4) (a) 2. of the statutes is amended to read:

13 48.235 (4) (a) 2. Petition for a change in placement under s. 48.357 or a trial  
14 reunification under s. 48.358. <sup>✓</sup>

**History:** Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 189, 263; 1993 a. 16, 318, 395; 1995 a. 27, 275; 1997 a. 237, 292, 334; 1999 a. 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 20; 2009 a. 94.

15 **SECTION 6.** 48.235 (4m) (a) 1. of the statutes is amended to read:

16 48.235 (4m) (a) 1. Participate in permanency <sup>✓</sup>case planning under ss. 48.38 and  
17 48.43 (5) after the child is born.

**History:** Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 189, 263; 1993 a. 16, 318, 395; 1995 a. 27, 275; 1997 a. 237, 292, 334; 1999 a. 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 20; 2009 a. 94.

18 **SECTION 7.** 48.235 (4m) (a) 2. of the statutes is amended to read:

19 48.235 (4m) (a) 2. Petition for a change in placement under s. 48.357 or a trial  
20 reunification under s. 48.358. <sup>✓</sup>

**History:** Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 189, 263; 1993 a. 16, 318, 395; 1995 a. 27, 275; 1997 a. 237, 292, 334; 1999 a. 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 20; 2009 a. 94.

21 **SECTION 8.** 48.236 (3) (b) of the statutes is amended to read:

1           48.236 (3) (b) Maintain regular contact with the child for whom the designation  
2           is made; monitor the appropriateness and safety of the environment of the child, the  
3           extent to which the child and the child's family are complying with any consent  
4           decree or dispositional order of the court and with any ~~permanency~~ <sup>✓</sup> case plan under  
5           s. 48.38, and the extent to which any agency that is required to provide services for  
6           the child and the child's family under a consent decree, dispositional order or  
7           ~~permanency~~ <sup>✓</sup> case plan is providing those services; and, based on that regular contact  
8           and monitoring, provide information to the court in the form of written reports or, if  
9           requested by the court, oral testimony.

History: 1999 a. 149; 2005 a. 344.

10           **SECTION 9.** 48.299 (4) (b) of the statutes is amended to read:

11           48.299 (4) (b) Except as provided in s. 901.05, neither common law nor  
12           statutory rules of evidence are binding at a hearing for a child held in custody under  
13           s. 48.21, a hearing for an adult expectant mother held in custody under s. 48.213, a  
14           runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing  
15           about changes in placement, trial reunifications <sup>✓</sup>, revision of dispositional orders,  
16           extension of dispositional orders, or termination of guardianship orders entered  
17           under s. 48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g). At those hearings, the court  
18           shall admit all testimony having reasonable probative value, but shall exclude  
19           immaterial, irrelevant, or unduly repetitious testimony or evidence that is  
20           inadmissible under s. 901.05. Hearsay evidence may be admitted if it has  
21           demonstrable circumstantial guarantees of trustworthiness. The court shall give  
22           effect to the rules of privilege recognized by law. The court shall apply the basic  
23           principles of relevancy, materiality, and probative value to proof of all questions of

fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

**History:** 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265; 2009 a. 28, 94, 180.

**SECTION 10.** 48.315 (2m) (b) of the statutes is amended to read:

48.315 (2m) (b) The court making an initial finding under s. 48.38 (5m) that the agency primarily responsible for providing services to the child has made reasonable efforts to achieve the goals of the child's permanency case plan more than 12 months after the date on which the child was removed from the home or making any subsequent findings under s. 48.38 (5m) as to those reasonable efforts more than 12 months after the date of a previous finding as to those reasonable efforts.

**History:** 1977 c. 354; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 403; 1991 a. 263; 1993 a. 98; 1997 a. 292; 2001 a. 16, 109; 2007 a. 20, 199; 2009 a. 94.

**SECTION 11.** 48.32 (1) (b) 1. c. of the statutes is amended to read:

48.32 (1) (b) 1. c. If a permanency case plan has previously been prepared for the child, a finding as to whether the county department, department, or agency has made reasonable efforts to achieve the goal of the child's permanency case plan, including, if appropriate, through an out-of-state placement.

**NOTE-NOTE:** Subd. 1. c. is shown as affected by 2 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). The comma in square brackets was removed by 2009 Wis. Act 185, but its reinsertion is required. The comma in curly brackets was inserted by 2009 Wis. Act 79, but is unnecessary. Corrective legislation is pending. **NOTE:**

**History:** 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292; 1999 a. 149; 2001 a. 61, 109; 2007 a. 20; 2009 a. 28, 79, 94, 185; s. 13.92 (2) (i).

**SECTION 12.** 48.32 (1) (c) of the statutes is amended to read:

48.32 (1) (c) If the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine the permanency case plan for the child.

**History:** 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292; 1999 a. 149; 2001 a. 61, 109; 2007 a. 20; 2009 a. 28, 79, 94, 185; s. 13.92 (2) (i).

**SECTION 13.** 48.33 (4) (a) of the statutes is amended to read:

✓  
1 48.33 (4) (a) A permanency case plan prepared under s. 48.38.

History: 1977 c. 354; 1979 c. 300; 1983 a. 399; 1987 a. 27, 339; 1989 a. 31, 41, 107; 1993 a. 377, 385, 446, 481; 1995 a. 27, 77, 201; 1997 a. 27, 292; 2001 a. 59, 109; 2005 a. 25; 2007 a. 20; 2009 a. 28, 79, 94, 185, 334; s. 13.92 (1) (bm) 2., (2) (i).

2 SECTION 14. 48.33 (4) (c) of the statutes is amended to read:

3 48.33 (4) (c) Specific information showing that continued placement of the child  
4 in his or her home would be contrary to the welfare of the child, specific information  
5 showing that the county department, the department, in a county having a  
6 population of 500,000 or more, or the agency primarily responsible for providing  
7 services to the child has made reasonable efforts to prevent the removal of the child  
8 from the home, while assuring that the child's health and safety are the paramount  
9 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.  
10 applies, and, if a permanency case plan has previously been prepared for the child,  
11 specific information showing that the county department, department, or agency has  
12 made reasonable efforts to achieve the goal of the child's permanency case plan,  
13 including, if appropriate, through an out-of-state placement.

NOTE: NOTE: Par. (c) is shown as affected by 2 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). The comma in square brackets was removed by 2009 Wis. Act 185, but its reinsertion is required. The comma in curly brackets was inserted by 2009 Wis. Act 79, but is unnecessary. Corrective legislation is pending. NOTE:

History: 1977 c. 354; 1979 c. 300; 1983 a. 399; 1987 a. 27, 339; 1989 a. 31, 41, 107; 1993 a. 377, 385, 446, 481; 1995 a. 27, 77, 201; 1997 a. 27, 292; 2001 a. 59, 109; 2005 a. 25; 2007 a. 20; 2009 a. 28, 79, 94, 185, 334; s. 13.92 (1) (bm) 2., (2) (i).

14 SECTION 15. 48.335 (3g) (c) of the statutes is amended to read:

15 48.335 (3g) (c) That, if a permanency case plan has previously been prepared  
16 for the child, the county department, department, or agency has made reasonable  
17 efforts to achieve the goal of the child's permanency case plan, including, if  
18 appropriate, through an out-of-state placement.

NOTE: NOTE: Par. (c) is shown as affected by 2 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). The comma in square brackets was removed by 2009 Wis. Act 185, but its reinsertion is required. The comma in curly brackets was inserted by 2009 Wis. Act 79, but is unnecessary. Corrective legislation is pending. NOTE:

History: 1977 c. 354; 1979 c. 300, 331, 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1993 a. 98, 481; 1995 a. 77; 1997 a. 252, 292; 2001 a. 109; 2007 a. 20; 2009 a. 28, 79, 94, 185; s. 13.92 (2) (i).

19 SECTION 16. 48.335 (4) of the statutes is amended to read:

20 48.335 (4) At hearings under this section, s. 48.357, 48.358, 48.363, or 48.365,  
21 on the request of any party, unless good cause to the contrary is shown, the court may

1 admit testimony on the record by telephone or live audiovisual means, if available,  
2 under s. 807.13 (2). The request and the showing of good cause may be made by  
3 telephone.

**History:** 1977 c. 354; 1979 c. 300, 331, 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1993 a. 98, 481; 1995 a. 77; 1997 a. 252, 292; 2001 a. 109; 2007 a. 20; 2009 a. 28, 79, 94, 185; s. 13.92 (2) (i).

4 **SECTION 17.** 48.355 (2) (b) 5. of the statutes is amended to read:

5 48.355 (2) (b) 5. For a child placed outside his or her home pursuant to an order  
6 under s. 48.345, a permanency case plan under s. 48.38 if one has been prepared.

**History:** 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; s. 13.92 (2) (i).

7 **SECTION 18.** 48.355 (2) (b) 6. of the statutes is amended to read:

8 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued  
9 placement of the child in his or her home would be contrary to the welfare of the child,  
10 a finding as to whether the county department, the department, in a county having  
11 a population of 500,000 or more, or the agency primarily responsible for providing  
12 services under a court order has made reasonable efforts to prevent the removal of  
13 the child from the home, while assuring that the child's health and safety are the  
14 paramount concerns, unless the court finds that any of the circumstances specified  
15 in sub. (2d) (b) 1. to 5. applies, and, if a permanency case plan has previously been  
16 prepared for the child, a finding as to whether the county department, department,  
17 or agency has made reasonable efforts to achieve the goal of the child's permanency  
18 case plan <sup>ee</sup> including, if appropriate, through an out-of-state placement. The court  
19 shall make the findings specified in this subdivision on a case-by-case basis based  
20 on circumstances specific to the child and shall document or reference the specific  
21 information on which those findings are based in the court order <sup>ee</sup>. A court order  
22 that merely references this subdivision without documenting or referencing that  
23 specific information in the court order or an amended court order that retroactively

## SECTION 18

# 48.355 (2b) (title) of the statutes is amended to read:

④

48.355 (2b) (title)

- 1 corrects an earlier court order that does not comply with this subdivision is not
- 2 sufficient to comply with this subdivision.

NOTE: NOTE: Subd. 6. is shown as affected by Acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). The comma in square brackets was removed by 2009 Wis. Act 186, but its reinsertion is required. The comma in curly brackets was inserted by 2009 Wis. Act 79, but is unnecessary. Corrective legislation is pending. NOTE:

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; s. 13.92 (2) (i).

- 3 SECTION 19. 48.355 (2b) of the statutes is renumbered 48.355 (2b) (b) and
- 4 amended to read:

- 5 48.355 (2b) ~~(title)~~ CONCURRENT REASONABLE EFFORTS PLANNING PERMITTED. (b) A
- 6 county department, the department, in a county having a population of 500,000 or
- 7 more, or the agency primarily responsible for providing services to a child under a
- 8 court order may, at the same time as the county department, department, or agency
- 9 is making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal
- 10 of the child from the home or to make it possible for the child to return safely to his
- 11 or her home, work with the department, a county department under s. 48.57 (1) (e)
- 12 or (hm), or a child welfare agency licensed under s. 48.61 (5) in making reasonable
- 13 efforts to place the child for adoption, with a guardian, with a fit and willing relative,
- 14 or in some other alternative permanent placement, including reasonable efforts to
- 15 identify an appropriate out-of-state placement engage in concurrent planning. A
- 16 determination whether to engage in concurrent planning shall be made in
- 17 accordance with the standards established by the department under s. 48.38 (6) (f).

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; s. 13.92 (2) (i).

- 18 SECTION 20. 48.355 (2b) (a) of the statutes is created to read:
- 19 48.355 (2b) (a) In this subsection, "concurrent planning" means reasonable
- 20 efforts to work simultaneously towards achieving more than one of the permanency
- 21 goals listed in s. 48.38 (4) (fg) 1. to 5. for a child who is placed in out-of-home care
- 22 and for whom a case plan is required under s. 48.38 (2).



1 **SECTION 21.** 48.355 (2c) (b) (intro.) of the statutes is amended to read:

2 48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
3 the county department, department, in a county having a population of 500,000 or  
4 more, or agency primarily responsible for providing services to the child under a  
5 court order has made reasonable efforts to achieve the goal of the permanency case  
6 plan, the court's consideration of reasonable efforts shall include the considerations  
7 listed under par. (a) 1. to 5. and whether visitation schedules between the child and  
8 his or her parents were implemented, unless visitation was denied or limited by the  
9 court.

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; s. 13.92 (2) (i).

10 **SECTION 22.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

11 48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required  
12 to include in a dispositional order a finding as to whether the county department, the  
13 department, in a county having a population of 500,000 or more, or the agency  
14 primarily responsible for providing services under a court order has made reasonable  
15 efforts with respect to a parent of a child to prevent the removal of the child from the  
16 home, while assuring that the child's health and safety are the paramount concerns,  
17 or a finding as to whether the county department, department, or agency has made  
18 reasonable efforts with respect to a parent of a child to achieve the permanency case  
19 plan goal of returning the child safely to his or her home, if the court finds any of the  
20 following:

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; s. 13.92 (2) (i).

21 **SECTION 23.** 48.355 (2d) (c) of the statutes is amended to read:

22 48.355 (2d) (c) If the court finds that any of the circumstances specified in par.  
23 (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s.

1 48.38 (4m) within 30 days after the date of that finding to determine the permanency  
2 case plan for the child.

**History:** 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; s. 13.92 (2) (i).

3 **SECTION 24.** 48.355 (2e) (title) of the statutes is amended to read:

4 48.355 (2e) (title) PERMANENCY CASE PLANS; FILING; AMENDED ORDERS; COPIES.

**History:** 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; s. 13.92 (2) (i).

5 **SECTION 25.** 48.355 (2e) (a) of the statutes is amended to read:

6 48.355 (2e) (a) If a permanency case plan has not been prepared at the time  
7 the dispositional order is entered, or if the court orders a disposition that is not  
8 consistent with the permanency case plan, the agency responsible for preparing the  
9 plan shall prepare a permanency case plan that is consistent with the order or revise  
10 the permanency case plan to conform to the order and shall file the plan with the  
11 court within the time specified in s. 48.38 (3). A permanency case plan filed under  
12 this paragraph shall be made a part of the dispositional order.

**History:** 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; s. 13.92 (2) (i).

13 **SECTION 26.** 48.355 (2e) (b) of the statutes is amended to read:

14 48.355 (2e) (b) Each time a child's placement is changed under s. 48.357, a trial  
15 reunification is ordered under s. 48.358, or a dispositional order is revised under s.  
16 48.363 or extended under s. 48.365, the agency that prepared the permanency case  
17 plan shall revise the plan to conform to the order and shall file a copy of the revised  
18 plan with the court. Each plan filed under this paragraph shall be made a part of  
19 the court order.

**History:** 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; s. 13.92 (2) (i).

20 **SECTION 27.** 48.355 (2e) (c) of the statutes is amended to read:

1           48.355 (2e) (c) Either the court or the agency that prepared the permanency  
2           ↓  
3           case plan shall furnish a copy of the original plan and each revised plan to the child's  
4           parent or guardian, to the child or the child's counsel or guardian ad litem, to the  
5           child's court-appointed special advocate and to the person representing the interests  
6           of the public.

**History:** 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; s. 13.92 (2) (i).

6           **SECTION 28.** 48.356 (1) of the statutes is amended to read:

7           48.356 (1) Whenever the court orders a child to be placed outside his or her  
8           home, orders an expectant mother of an unborn child to be placed outside of her  
9           home, or denies a parent visitation because the child or unborn child has been  
10          adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,  
11          48.363, or 48.365 and whenever the court reviews a permanency case plan under s.  
12          48.38 (5m), the court shall orally inform the parent or parents who appear in court  
13          or the expectant mother who appears in court of any grounds for termination of  
14          parental rights under s. 48.415 which may be applicable and of the conditions  
15          necessary for the child or expectant mother to be returned to the home or for the  
16          parent to be granted visitation.

**History:** 1979 c. 330; 1983 a. 399; 1989 a. 86; 1991 a. 39; 1995 a. 275; 1997 a. 292; 2003 a. 321; 2009 a. 185.

17          **SECTION 29.** 48.357 (2v) (c) of the statutes is amended to read:

18          48.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances  
19          specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall  
20          hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to  
21          ↓  
22          determine the permanency case plan for the child.

**History:** 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20; 2009 a. 28, 79, 94; s. 13.92 (1) (bm) 2.

22          **SECTION 30.** 48.358 of the statutes is created to read:

1       **48.358 Trial reunification.** (1) DEFINITION. In this section, "trial  
2       reunification" means a return of a child who is placed in an out-of-home placement  
3       under s. 48.355 or 48.357 to the home of his or her parent or other primary caregiver  
4       for a specified and limited period for the purpose of determining the appropriateness  
5       of reunifying the child with that parent or other caregiver.

6       (2) TRIAL REUNIFICATION; PROCEDURE. (a) *Request or proposal.* 1. The person  
7       or agency primarily responsible for implementing the dispositional order, the district  
8       attorney, or the corporation counsel may request, or the court on its own motion may  
9       propose, a trial reunification. The request or proposal shall contain the name and  
10      address of the parent or other primary caregiver whose home is the site of the  
11      requested or proposed trial reunification, a statement describing why the trial  
12      reunification is preferable to the present placement, and a statement describing how  
13      the trial reunification satisfies the objectives of the treatment plan ordered by the  
14      court.

15      2. If new information is available that indicates that a trial reunification is  
16      preferable to the present placement and that the trial reunification satisfies the  
17      objectives of the treatment plan ordered by the court, the child, the parent, guardian,  
18      legal custodian, or Indian custodian of the child, or any person or agency primarily  
19      bound by the dispositional order, other than the person or agency primarily  
20      responsible for implementing the dispositional order, may request, or the court on its  
21      own motion may propose, a trial reunification. The request or proposal shall contain  
22      the name and address of the parent or other primary caregiver whose home is the site  
23      of the requested or proposed trial reunification and shall state what new information  
24      is available that indicates that the trial reunification is preferable to the present

1 placement and that the trial reunification satisfies the objectives of the treatment  
2 plan ordered by the court.

3 3. No person may request or propose a trial reunification on the grounds that  
4 an emergency condition necessitates an immediate return of the child to the home  
5 of his or her parent or primary caregiver. If an emergency condition necessitate such  
6 an immediate return, the person or agency primarily responsible for implementing  
7 the dispositional order shall proceed as provided in s. 48.357 (2).<sup>✓</sup>

8 (b) *Notice; information required.* The person requesting the trial reunification  
9 shall submit the request to the court. That person or the court shall cause written  
10 notice of the requested or proposed trial reunification to be sent to the child, the  
11 parent, guardian, and legal custodian of the child, any foster parent or other physical  
12 custodian described in s. 48.62 (2) <sup>↓</sup> of the child, the child's court-appointed special  
13 advocate, all parties who are bound by the dispositional order, and, if the child is an  
14 Indian child who has been removed from the home of his or her parent or Indian  
15 custodian, the Indian child's Indian custodian and tribe. The notice shall contain the  
16 information that is required to be included in the request or proposal under par. (a)  
17 1. or 2.,<sup>✓</sup> whichever is applicable.

18 (c) *Hearing; when required.* 1. If the trial reunification is requested by the  
19 person or agency primarily responsible for implementing the dispositional order, the  
20 district attorney, or the corporation counsel, or if the trial reunification is proposed  
21 by the court under par. (a) 1.,<sup>✓</sup> any person receiving the notice under par. (b),<sup>✓</sup> other  
22 than a court-appointed special advocate, may obtain a hearing on the matter by  
23 filing an objection with the court within 10 days after receipt of the notice.

24 2. If the trial reunification is requested by the child, by the parent, guardian,  
25 legal custodian, or Indian custodian of the child, or by any person or agency primarily

1 bound by the dispositional order, other than the person or agency primarily  
2 responsible for implementing the dispositional order, or if the trial reunification is  
3 proposed by the court under par. (a) 2.,<sup>✓</sup> and if the request or proposal contains the  
4 information required under par. (a) 2.,<sup>✓</sup> the court shall hold a hearing prior to ordering  
5 the trial reunification, unless written waivers of objection to the proposed trial  
6 reunification are signed by all persons entitled to receive notice under par. (b),<sup>✓</sup> other  
7 than a court-appointed special advocate, and the court approves.

8 3. If a hearing is scheduled under subd. 1. or 2.,<sup>✓</sup> not less than 3 days before the  
9 hearing the person requesting the trial reunification or the court shall provide notice  
10 of the hearing to all person who are entitled to receive notice under par. (b).<sup>✓</sup> A copy  
11 of the request or proposal for the trial reunification shall be attached to the notice.  
12 If all of the parties consent, the court may proceed immediately with the hearing.

13 (d) *Order.* If the court finds that the trial reunification is preferable to the  
14 present placement and that the trial reunification satisfies the objectives of the  
15 treatment plan ordered by the court, the court shall grant an order authorizing the  
16 trial reunification. A trial reunification shall terminate 90 days after the date of the  
17 order, unless the court specifies a shorter period in the order, extends the trial  
18 reunification under sub. (3),<sup>✓</sup> or revokes the trial reunification under sub. (4).<sup>✓</sup> No trial  
19 reunification order may extend the expiration date of the original dispositional order  
20 under s. 48.355<sup>✓</sup> or any extension order under s. 48.365.<sup>✓</sup> A trial reunification under  
21 this section is not a change in placement under s. 48.357.<sup>✓</sup> At the end of a trial  
22 reunification, the person or agency primarily responsible for implementing the  
23 dispositional order may return the child to his or her out-of-home placement  
24 without further order of the court.

(3) EXTENSION OF TRIAL REUNIFICATION. (a) *Extension request or proposal.* Any person who is authorized to request or propose a trial reunification under sub. (2) (a) 1. or 2. may request or propose an extension of the trial reunification. The request or proposal shall contain a statement describing how the trial reunification is meeting the objectives of the treatment plan ordered by the court. No later than 10 days prior to the expiration of the trial reunification, the person who requests or proposes the extension shall submit the request or proposal to the court that ordered the trial reunification and shall cause notice of the request or proposal to be provided to all persons who are entitled to receive notice under sub. (2) (b).

(b) *Extension hearing; when required.* 1. If the extension is requested or proposed by a person who is authorized to request or propose a trial reunification under sub. (2) (a) 1.,<sup>√</sup> any person who is entitled to receive notice of the extension request or proposal under par. (a),<sup>√</sup> other than a court-appointed special advocate, may obtain a hearing on the matter by filing an objection with the court within 5 days after receipt of the notice.

2. If the trial reunification is requested or proposed by a person who is authorized to request or propose a trial reunification under sub. (2) (a) 2.,<sup>✓</sup> the court shall hold a hearing prior to ordering the extension, unless written waivers of objection to the requested or proposed extension are signed by all persons entitled to receive notice of the extension request or proposal under par. (a),<sup>✓</sup> other than a court-appointed special advocate, and the court approves.

3. If a hearing is schedule<sup>d</sup>, not less than 3 days before the hearing the person requesting the extension or court shall provide notice of the hearing<sup>to</sup> all person<sup>s</sup> who are entitled to receive notice of the extension request or proposal under par. (a). A

1 copy of the request or proposal for the extension shall be attached to the notice. If  
2 all of the parties consent, the court may proceed immediately with the hearing.

3 (c) *Extension order.* If the court finds that the trial reunification is meeting the  
4 objectives of the treatment plan ordered by the court, the court shall grant an order  
5 extending the trial reunification for a period specified by the court not to exceed 60  
6 days. Any number of extensions may be granted under this paragraph, but the total  
7 period for a trial reunification may not exceed 150<sup>✓</sup> days.

8 (4) REVOCATION OF TRIAL REUNIFICATION. (a) *Revocation request; information*  
9 *required.* If the person or agency primarily responsible for implementing the  
10 dispositional order, the district attorney, or the corporation counsel has reasonable  
11 cause to suspect that a child who has been returned to the home of his or her parent  
12 or other ~~primary~~ caregiver for a trial reunification has been abused or neglected, has  
13 reason to ~~believe~~ <sup>believe</sup> that such a child has been threatened with abuse or neglect and that  
14 abuse or neglect of the child is likely to occur, or otherwise has reason to believe that  
15 the trial reunification is not meeting the objectives of the treatment plan ordered by  
16 the court, that person or agency, district attorney, or corporation counsel shall  
17 request the court to revoke the trial reunification. ~~That~~ <sup>That</sup> person or agency, district  
18 attorney, or corporation counsel shall submit the request to the court that ordered  
19 the trial reunification and shall cause notice of the request to be provided to all  
20 persons who are entitled to receive notice of the trial reunification under a sub. (2)  
21 (b).<sup>✓</sup> The request shall contain the name and address of the child's out-of-home  
22 placement under s. 48.355 or 48.357<sup>✓</sup> and the reasons for the proposed revocation.

23 (b) *Revocation hearing.* The court shall hold a hearing prior to ordering any  
24 revocation requested under par. (a).<sup>✓</sup> Not less than 3 days prior to the hearing, the  
25 court shall provide notice of the hearing, together with a copy of the request for the



1 revocation, to all persons who are entitled to receive notice under sub. (2) (b).<sup>✓</sup> If all  
2 parties consent, the court may proceed immediately with the hearing.

3 (c) *Revocation order.* If the court finds that the child, while returned to the home  
4 of his or her parent or other primary caregiver for a trial reunification,<sup>has</sup> been abused  
5 or neglected, or has been threatened with abuse or neglect and that abuse or neglect  
6 of the child is likely to occur, or finds that the trial reunification is not meeting the  
7 objectives of the treatment plan ordered by the court, the court shall grant an order  
8 revoking the trial reunification and returning the child to his or her out-of-home  
9 placement under s. 48.355 or 48.357.<sup>✓</sup>

10 (5) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN. If a hearing is  
11 held under sub. (2) (c) 1. or 2.<sup>✓</sup> and the trial reunification would remove a child from  
12 a foster home or other placement with a physical custodian described in s. 48.62 (2),  
13 the court shall give the foster parent or other physical custodian a right to be heard  
14 at the hearing by permitting the foster parent or other physical custodian to make  
15 a written or oral statement during the hearing or to submit a written statement prior  
16 to the hearing relating to the child and the requested trial reunification. A foster  
17 parent or other physical custodian described in s. 48.62 (2)<sup>✓</sup> who receives notice of a  
18 hearing under sub. (2) (c) 1. or 2.<sup>✓</sup> ~~and~~ and a right to be heard under this subsection does  
19 not become a party to the proceeding on which the hearing is held solely on the basis  
20 of receiving that notice and right to be heard.

21 (6) PROHIBITED TRIAL REUNIFICATIONS BASED ON HOMICIDE OF PARENT. (a) <sup>Prohibitory</sup> Except  
22 as provided in par. (c), the court may not order a trial reunification in the home of a  
23 person who has been convicted under s. 940.01<sup>✓</sup> of the first-degree intentional  
24 homicide, or under s. 940.05<sup>✓</sup> of the 2nd-degree intentional homicide, of a parent of  
25 the child, if the conviction has not been reversed, set aside, or vacated.

④ Revocation

① (b) Except as provided in par. (c), if a parent in whose home a child is placed for a trial reunification is convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of the child's other parent, and the conviction has not been reversed, set aside, or vacated, the court shall revoke the trial reunification as provided in sub. (4). ✓

⑥ ④ Exception  
(c) Paragraphs (a) and (b) do not apply if the court determines by clear and convincing evidence that the placement would be in the best interests of the child. The court shall consider the wishes of the child in making that determination.

SECTION 31. 48.363 (1) (a) of the statutes is amended to read:

48.363 (1) (a) A child, the child's parent, guardian, legal custodian, or Indian custodian, an expectant mother, an unborn child by the unborn child's guardian ad litem, any person or agency bound by a dispositional order, or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a revision in the order that does not involve a change in placement or a trial reunification, including a revision with respect to the amount of child support to be paid by a parent. The court may also propose a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court's disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter prior to any revision of the dispositional order if the request or court proposal indicates that new information is available which affects the advisability of the court's dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves.

History: 1977 c. 354; 1979 c. 300; 1985 a. 172; 1993 a. 481; 1995 a. 275, 404; 1997 a. 3, 80, 237, 292; 1999 a. 103, 149; 2001 a. 38, 109; 2007 a. 20; 2009 a. 28, 79, 94; s. 13.92 (2) (i).

SECTION 32. 48.365 (2g) (b) 2. of the statutes is amended to read:

1           48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and  
2 of any progress the child has made, suggestions for amendment of the permanency  
3 case plan, and specific information showing the efforts that have been made to  
4 achieve the goal of the permanency case plan, including, if applicable, the efforts of  
5 the parents to remedy the factors that contributed to the child's placement.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

6           **SECTION 33.** 48.365 (2g) (b) 3. of the statutes is amended to read:

7           48.365 (2g) (b) 3. If the child has been placed outside of his or her home in a  
8 foster home, group home, residential care center for children and youth, or shelter  
9 care facility for 15 of the most recent 22 months, not including any period during  
10 which the child was a runaway from the out-of-home placement or the first 6 months  
11 of any period during which the child was returned to his or her home for a trial home  
12 visit reunification, a statement of whether or not a recommendation has been made  
13 to terminate the parental rights of the parents of the child. If a recommendation for  
14 a termination of parental rights has been made, the statement shall indicate the date  
15 on which the recommendation was made, any previous progress made to accomplish  
16 the termination of parental rights, any barriers to the termination of parental rights,  
17 specific steps to overcome the barriers and when the steps will be completed, reasons  
18 why adoption would be in the best interest of the child, and whether or not the child  
19 should be registered with the adoption information exchange. If a recommendation  
20 for termination of parental rights has not been made, the statement shall include an  
21 explanation of the reasons why a recommendation for termination of parental rights  
22 has not been made. If the lack of appropriate adoptive resources is the primary  
23 reason for not recommending a termination of parental rights, the agency shall

1 recommend that the child be registered with the adoption information exchange or  
2 report the reason why registering the child is contrary to the best interest of the child.

**History:** 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

3 **SECTION 34.** 48.365 (2m) (a) 1. of the statutes is amended to read:

4 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
5 extension. If the child is placed outside of his or her home, the person or agency  
6 primarily responsible for providing services to the child shall present as evidence  
7 specific information showing that the person or agency has made reasonable efforts  
8 to achieve the goal of the child's permanency case plan, including, if appropriate,  
9 through an out-of-state placement, under. If an Indian child is placed outside the  
10 home of his or her parent or Indian custodian, the person or agency primarily  
11 responsible for providing services to the Indian child shall also present as evidence  
12 specific information showing that active efforts under s. 48.028 (4) (d) 2. have been  
13 made to prevent the breakup of the Indian child's family and that those efforts have  
14 proved unsuccessful.

**NOTE:** NOTE: Subd. 1. is shown as affected by 3 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). The comma in square brackets was removed by 2009 Wis. Act 185, but its reinsertion is required. The comma and "under" in curly brackets were inserted by 2009 Wis. Acts 79 and 94 respectively, but are unnecessary. Corrective legislation is pending. **NOTE:**

**History:** 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

15 **SECTION 35.** 48.365 (2m) (a) 1m. of the statutes is amended to read:

16 48.365 (2m) (a) 1m. The judge shall make findings of fact and conclusions of  
17 law based on the evidence. The findings of fact shall include a finding as to whether  
18 reasonable efforts were made by the person or agency primarily responsible for  
19 providing services to the child to achieve the goal of the child's permanency case  
20 plan, including, if appropriate, through an out-of-state placement, under. If the  
21 child is an Indian child who is placed outside the home of his or her parent or Indian  
22 custodian, the findings of fact shall also include a finding that active efforts under

1 s. 48.028 (4) (d) 2. were made to prevent the breakup of the Indian child's family and  
2 that those efforts have proved unsuccessful. An order shall be issued under s. 48.355.

NOTE: NOTE: Subd. 1m. is shown as affected by 3 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). The comma in square brackets was removed by 2009 Wis. Act 185, but its reinsertion is required. The comma and "under" in curly brackets were inserted by 2009 Wis. Acts 79 and 94 respectively, but are unnecessary. Corrective legislation is pending. NOTE:

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

3 **SECTION 36.** 48.365 (2m) (a) 3. of the statutes is amended to read:

4 48.365 (2m) (a) 3. The judge shall make the findings under subd. 1m. relating  
5 to reasonable efforts to achieve the goal of the child's permanency case plan and the  
6 findings under subd. 2. on a case-by-case basis based on circumstances specific to  
7 the child and shall document or reference the specific information on which those  
8 findings are based in the order issued under s. 48.355. An order that merely  
9 references subd. 1m. or 2. without documenting or referencing that specific  
10 information in the order or an amended order that retroactively corrects an earlier  
11 order that does not comply with this subdivision is not sufficient to comply with this  
12 subdivision.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

13 **SECTION 37.** 48.365 (2m) (ad) of the statutes is amended to read:

14 48.365 (2m) (ad) If the judge finds that any of the circumstances under s.  
15 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a hearing  
16 under s. 48.38 (4m) within 30 days after the date of that finding to determine the  
17 permanency case plan for the child.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

18 **SECTION 38.** 48.365 (7) of the statutes is amended to read:

19 48.365 (7) Nothing in this section may be construed to allow any changes in  
20 placement or trial reunifications. Changes in placement may take place only under  
21 s. 48.357 and trial reunifications may take place only under s. 48.358.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

*as affected by 2009 Wisconsin Act 28*

1 **SECTION 39.** 48.371 (1) (a) of the statutes ~~is~~ amended to read:

2 48.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the child,  
3 as provided under s. 252.15 (3m) (d) 15., including results included in a court report  
4 or permanency case plan. At the time that the HIV test results are provided, the  
5 agency shall notify the foster parent, relative, or operator of the group home or  
6 residential care center for children and youth of the confidentiality requirements  
7 under s. 252.15 (6).

*(NOTE: NOTE: Par. (a) is shown as affected by 2009 Wis. Act 28 and 2009 Wis. Act 209 and as merged by the legislative reference bureau under s. 13.92 (2) (i). NOTE:*

8 **History:** 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105; 2005 a. 232, 277; 2007 a. 97, 116; 2009 a. 28, 209; s. 13.92 (2) (i).

**SECTION 40.** 48.371 (1) (b) of the statutes is amended to read:

9 48.371 (1) (b) Results of any tests of the child to determine the presence of viral  
10 hepatitis, type B, including results included in a court report or permanency case  
11 plan.

*as affected by 2009 Wisconsin Act 28*  
12 **History:** 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105; 2005 a. 232, 277; 2007 a. 97, 116; 2009 a. 28, 209; s. 13.92 (2) (i).

**SECTION 41.** 48.371 (3) (intro.) of the statutes ~~is~~ amended to read:

13 48.371 (3) (intro.) At the time of placement of a child in a foster home, group  
14 home, or residential care center for children and youth or in the home of a relative  
15 other than a parent or, if the information is not available at that time, as soon as  
16 possible after the date on which the court report or permanency case plan has been  
17 submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38  
18 (1) (a), responsible for preparing the child's permanency case plan shall provide to  
19 the foster parent, relative, or operator of the group home or residential care center  
20 for children and youth information contained in the court report submitted under s.  
21 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4) (c) or permanency case plan  
22 submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), or

1 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the  
2 court report or permanency case plan relating to any of the following:

3 **History:** 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105; 2005 a. 232, 277; 2007 a. 97, 116; 2009 a. 28, 209; s. 13.92 (2) (i).

3 **SECTION 42.** 48.371 (4) of the statutes is amended to read:

4 48.371 (4) Subsection (1) does not preclude an agency, as defined in s. 48.38 (1)  
5 (a), that is arranging for the placement of a child from providing the information  
6 specified in sub. (1) (a) to (c) to a person specified in sub. (1) (intro.) before the time  
7 of placement of the child. Subsection (3) does not preclude an agency, as defined in  
8 s. 48.38 (1) (a), responsible for preparing a child's court report or permanency case  
9 plan from providing the information specified in sub. (3) (a) to (e) to a person specified  
10 in sub. (3) (intro.) before the time of placement of the child.

11 **History:** 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105; 2005 a. 232, 277; 2007 a. 97, 116; 2009 a. 28, 209; s. 13.92 (2) (i).

11 **SECTION 43.** 48.371 (5) of the statutes is amended to read:

12 48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, relative, or  
13 operator of a group home or residential care center for children and youth that  
14 receives any information under sub. (1) or (3), other than the information described  
15 in sub. (3) (e), shall keep the information confidential and may disclose that  
16 information only for the purposes of providing care for the child or participating in  
17 a court hearing or permanency case plan review concerning the child.

18 **History:** 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105; 2005 a. 232, 277; 2007 a. 97, 116; 2009 a. 28, 209; s. 13.92 (2) (i).

18 **SECTION 44.** Subchapter VII (title) of chapter 48 [precedes 48.38] of the  
19 statutes is amended to read:

## 20 CHAPTER 48

### 21 SUBCHAPTER VII

#### 22 PERMANENCY CASE PLANNING; RECORDS

23 **SECTION 45.** 48.38 (title) of the statutes is amended to read:

1                    **48.38 (title) Permanency Case planning.**

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

2                    **SECTION 46.** 48.38 (1) (am) of the statutes is amended to read:

3                    48.38 (1) (am) "Independent agency" means a private, nonprofit organization,  
4                    but does not include a licensed child welfare agency that is authorized to prepare  
5                    permanency case plans or that is assigned the primary responsibility of providing  
6                    services under a permanency case plan.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

7                    **SECTION 47.** 48.38 (1) (b) of the statutes is renumbered 48.38 (1) (ag) and  
8                    amended to read:

9                    48.38 (1) (ag) "Permanency plan" means a plan designed to ensure  
10                    that a child is reunified with his or her family whenever appropriate, or that the child  
11                    quickly attains a placement or home providing long-term stability.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

12                    **SECTION 48.** 48.38 (2) (intro.) of the statutes is amended to read:

13                    48.38 (2) PERMANENCY CASE PLAN REQUIRED. (intro.) Except as provided in sub.  
14                    (3), for each child living in a foster home, group home, residential care center for  
15                    children and youth, juvenile detention facility, or shelter care facility, the agency that  
16                    placed the child or arranged the placement or the agency assigned primary  
17                    responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall  
18                    prepare a written permanency case plan, if any of the following conditions exists,  
19                    and, for each child living in the home of a relative other than a parent, that agency  
20                    shall prepare a written permanency case plan, if any of the conditions specified in  
21                    pars. (a) to (e) exists:

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).



INSERT 28-1 →

1           **SECTION 49.** 48.38 (4) (intro.) of the statutes is amended to read:

2           48.38 (4) CONTENTS OF PLAN. (intro.) The permanency case plan shall include  
3 all of the following:

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

4           **SECTION 50.** 48.38 (4) (ar) of the statutes is amended to read:

5           48.38 (4) (ar) A description of the services offered and any services provided in  
6 an effort to prevent the removal of the child from his or her home, while assuring that  
7 the health and safety of the child are the paramount concerns, and to achieve the goal  
8 of the permanency case plan, except that the permanency case plan is not required  
9 to include a description of the services offered or provided with respect to a parent  
10 of the child to prevent the removal of the child from the home or to achieve the  
11 permanency case plan goal of returning the child safely to his or her home if any of  
12 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

13           **SECTION 51.** 48.38 (4) (br) 2. of the statutes is amended to read:

14           48.38 (4) (br) 2. If the child has one or more siblings who have also been  
15 removed from the home, a description of the efforts made to place the child in a  
16 placement that enables the sibling group to remain together and, if a decision is made  
17 not to place the child and his or her siblings in a joint placement, a statement as to  
18 why a joint placement would be contrary to the safety or well-being of the child or  
19 any of those siblings and a description of the efforts made to provide for frequent  
20 visitation or other ongoing interaction between the child and those siblings. If a  
21 decision is made not to provide for that visitation or interaction, the permanency case

1 plan shall include a statement as to why that visitation or interaction would be  
2 contrary to the safety or well-being of the child or any of those siblings.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

3 **SECTION 52.** 48.38 (4) (f) 3. of the statutes is amended to read:

4 48.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe  
5 return of the child to his or her home, or, if appropriate, obtain ~~an alternative~~  
6 ~~permanent placement for the child a placement for adoption, with a guardian, with~~  
7 a fit and willing relative, or in some other planned permanent living arrangement.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

8 **SECTION 53.** 48.38 (4) (fg) (intro.) of the statutes is amended to read:

9 48.38 (4) (fg) (intro.) The goal of the permanency case plan or, if the agency is  
10 ~~making concurrent reasonable efforts under s. 48.355 (2b)~~ engaging in concurrent  
11 planning, as defined in s. 48.355 (2b) (a), the goals of the permanency case plan. If  
12 a goal of the permanency case plan is any goal other than return of the child to his  
13 or her home to place the child for adoption, with a guardian, or with a fit and willing  
14 relative, the permanency case plan shall include the rationale for deciding on that  
15 goal. If a goal of the permanency plan is an alternative permanent placement under  
16 subd. 5., the permanency plan shall document a compelling reason why it would not  
17 be in the best interest of the child to pursue a goal specified in subds. 1. to 4. and the  
18 efforts made to achieve that goal, including, if appropriate, through an out-of-state  
19 placement. If the agency determines under s. 48.355 (2b) (b) to engage in concurrent  
20 planning, the case plan shall include the rationale for that determination and a  
21 description of the concurrent plan and the goals of the concurrent plan. The agency

1 shall determine one or more of the following goals to be the goal or goals of a child's  
2 permanency case plan:

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

3 **SECTION 54.** 48.38 (4) (fg) 5. of the statutes is amended to read:

4 48.38 (4) (fg) 5. Some As provided in par. (fm), some other alternative planned  
5 permanent placement living arrangement, including sustaining care, independent  
6 living, or long-term foster care.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

7 **SECTION 55.** 48.38 (4) (fm) of the statutes is renumbered 48.38 (4) (fm) (intro.)

8 and amended to read:

9 48.38 (4) (fm) (intro.) If the goal of the permanency plan is to agency determines  
10 that there is a compelling reason why it would not be in the best interests of the child  
11 to return the child to his or her home or to place the child for adoption, with a  
12 guardian, or with a fit and willing relative, or the permanency goal of placing the  
13 child in some other alternative planned permanent placement, living arrangement  
14 described in par. (fg) 5. If the agency makes that determination, the plan shall  
15 include all of the following:

16 2. The rationale for the permanency goal of placing the child in the planned  
17 permanent living arrangement and the efforts made to achieve that goal, including,  
18 if appropriate, through an out-of-state placement.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

19 **SECTION 56.** 48.38 (4) (fm) 1. of the statutes is created to read:

20 48.38 (4) (fm) 1. A concurrent plan under s. 48.355 (2b) (b) towards achieving  
21 a permanency goal under par. (fg) 1. to 4. as well as the permanency goal under par.  
22 (fg) 5.

1           **SECTION 57.** 48.38 (4) (i) of the statutes is amended to read:

2           48.38 (4) (i) A statement as to whether the child's age and developmental level  
3           are sufficient for the court to consult with the child at the permanency case plan  
4           determination hearing under sub. (4m) (c) or at the permanency case plan hearing  
5           under sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the  
6           child at the permanency case plan review under sub. (5) (bm) 2. and, if a decision is  
7           made that it would not be age appropriate or developmentally appropriate for the  
8           court or panel to consult with the child, a statement as to why consultation with the  
9           child would not be appropriate.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

10           **SECTION 58.** 48.38 (4m) (title) of the statutes is amended to read:

11           48.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; ~~PERMANENCY~~  
12           PERMANENCY CASE PLAN DETERMINATION HEARING.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

13           **SECTION 59.** 48.38 (4m) (a) of the statutes is amended to read:

14           48.38 (4m) (a) If in a proceeding under s. 48.21, 48.32, 48.355, 48.357, or 48.365  
15           the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies  
16           with respect to a parent, the court shall hold a hearing within 30 days after the date  
17           of that finding to determine the permanency case plan for the child. If a hearing is  
18           held under this paragraph, the agency responsible for preparing the permanency  
19           case plan shall file the permanency case plan with the court not less than 5 days  
20           before the date of the hearing. At the hearing, the court shall consider placing the  
21           child in a placement outside this state if the court determines that such a placement  
22           would be in the best interests of the child and appropriate to achieving the goal of the  
23           child's permanency case plan.

1 NOTE: NOTE: NOTE: Sub. (4m) (title) and (a) are shown as created by 2009 Wis. Act 79, s. 56, and 2009 Wis. Act 94, s. 113, and as merged by the legislative reference  
2 bureau under s. 13.92 (2) (i). "Permanency" was capitalized in Act 94, but not Act 79. Corrective legislation is pending. NOTE:

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474  
to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92  
(1) (bm) 2., (2) (i).

3 SECTION 60. 48.38 (4m) (c) of the statutes is amended to read:

4 48.38 (4m) (c) If the child's permanency case plan includes a statement under  
5 sub. (4) (i) indicating that the child's age and developmental level are sufficient for  
6 the court to consult with the child regarding the child's permanency case plan or if,  
7 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the  
8 court to consult with the child, the court determines that consultation with the child  
9 would be in the best interests of the child, the court shall consult with the child, in  
10 an age-appropriate and developmentally appropriate manner, regarding the child's  
11 permanency case plan and any other matters the court finds appropriate. If none of  
12 those circumstances apply, the court may permit the child's caseworker, the child's  
13 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written  
14 or oral statement during the hearing, or to submit a written statement prior to the  
15 hearing, expressing the child's wishes, goals, and concerns regarding the  
16 permanency case plan and those matters. If the court permits such a written or oral  
17 statement to be made or submitted, the court may nonetheless require the child to  
18 be physically present at the hearing.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474  
to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92  
(1) (bm) 2., (2) (i).

19 SECTION 61. 48.38 (5) (a) of the statutes is amended to read:

20 48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed  
21 under par. (ag) shall review the permanency case plan in the manner provided in this  
22 subsection not later than 6 months after the date on which the child was first  
23 removed from his or her home and every 6 months after a previous review under this  
24 subsection for as long as the child is placed outside the home, except that for the

1 review that is required to be conducted not later than 12 months after the child was  
2 first removed from his or her home and the reviews that are required to be conducted  
3 every 12 months after that review the court shall hold a hearing under sub. (5m) to  
4 review the permanency case plan, which hearing may be instead of or in addition to  
5 the review under this subsection.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

6 **SECTION 62.** 48.38 (5) (ag) of the statutes is amended to read:

7 48.38 (5) (ag) If the court elects not to review the permanency case plan, the  
8 court shall appoint a panel to review the permanency case plan. The panel shall  
9 consist of 3 persons who are either designated by an independent agency that has  
10 been approved by the chief judge of the judicial administrative district or designated  
11 by the agency that prepared the permanency case plan. A voting majority of persons  
12 on each panel shall be persons who are not employed by the agency that prepared the  
13 permanency case plan and who are not responsible for providing services to the child  
14 or the parents of the child whose permanency case plan is the subject of the review.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

15 **SECTION 63.** 48.38 (5) (am) of the statutes is amended to read:

16 48.38 (5) (am) The court may appoint an independent agency to designate a  
17 panel to conduct a permanency case plan review under par. (a). If the court in a  
18 county having a population of less than 500,000 appoints an independent agency  
19 under this paragraph, the county department of the county of the court shall  
20 authorize and contract for the purchase of services from the independent agency. If  
21 the court in a county having a population of 500,000 or more appoints an independent

1 agency under this paragraph, the department shall authorize and contract for the  
2 purchase of services from the independent agency.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

3 **SECTION 64.** 48.38 (5) (bm) 2. of the statutes is amended to read:

4 48.38 (5) (bm) 2. If the child's permanency case plan includes a statement under  
5 sub. (4) (i) indicating that the child's age and developmental level are sufficient for  
6 the court or panel to consult with the child regarding the child's permanency case  
7 plan or if, notwithstanding a decision under sub. (4) (i) that it would not be  
8 appropriate for the court or panel to consult with the child, the court or panel  
9 determines that consultation with the child would be in the best interests of the child,  
10 the court or panel shall consult with the child, in an age-appropriate and  
11 developmentally appropriate manner, regarding the child's permanency case plan  
12 and any other matters the court or panel finds appropriate. If none of those  
13 circumstances apply, the court or panel may permit the child's caseworker, the child's  
14 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written  
15 or oral statement during the review, or to submit a written statement prior to the  
16 review, expressing the child's wishes, goals, and concerns regarding the permanency  
17 case plan and those matters. If the court or panel permits such a written or oral  
18 statement to be made or submitted, the court or panel may nonetheless require the  
19 child to be physically present at the review.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

20 **SECTION 65.** 48.38 (5) (c) 2. of the statutes is amended to read:

1 48.38 (5) (c) 2. The extent of compliance with the permanency case plan by the  
2 agency and any other service providers, the child's parents, the child and the child's  
3 guardian, if any.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

4 **SECTION 66.** 48.38 (5) (c) 5. of the statutes is amended to read:

5 48.38 (5) (c) 5. The date by which it is likely that the child will be returned to  
6 his or her home or placed for adoption, with a guardian, with a fit and willing relative,  
7 or in some other alternative planned permanent placement living arrangement.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

8 **SECTION 67.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

9 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,  
10 as described in s. 48.365 (1), in a foster home, group home, residential care center for  
11 children and youth, or shelter care facility for 15 of the most recent 22 months, not  
12 including any period during which the child was a runaway from the out-of-home  
13 placement or ~~the first 6 months of any period during which the child was returned~~  
14 to his or her home for a trial home visit, the appropriateness of the permanency case  
15 plan and the circumstances which prevent the child from any of the following:

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

16 **SECTION 68.** 48.38 (5) (c) 6. of the statutes is amended to read:

17 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home, as  
18 described in s. 48.365 (1), in a foster home, group home, residential care center for  
19 children and youth, or shelter care facility for 15 of the most recent 22 months, not  
20 including any period during which the child was a runaway from the out-of-home  
21 placement or ~~the first 6 months of any period during which the child was returned~~  
22 to his or her home for a trial home visit reunification, the appropriateness of the



↓                      ↓      case  
1      ~~permanency~~ plan and the circumstances which prevent the child from any of the  
2      following:

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

3      **SECTION 69.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

4                      48.38 (5) (c) 6. d. Being placed in some other alternative planned permanent  
5      placement living arrangement, including sustaining care, ~~independent living~~, or  
6      long-term foster care.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

7      **SECTION 70.** 48.38 (5) (c) 6m. of the statutes is created to read:

8                      48.38 (5) (c) 6m. If the case plan calls for concurrent planning, as defined in s.  
9      48.355 (2b) (a), the appropriateness, in light of the standards established by the  
10     department under sub. (6) (f), of each of the permanency goals of the concurrent plan.  
11     If the court or panel does not approve of any one or more of those goals, the court or  
12     panel must include in its determinations under this paragraph the reasons for that  
13     disapproval.

14     **SECTION 71.** 48.38 (5) (c) 7. of the statutes is amended to read:

15                      48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve  
16     the goal of the permanency case plan, including, if appropriate, through an  
17     out-of-state placement.

NOTE: NOTE: Subd. 7. is shown as affected by 2 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). The comma in square brackets was removed by 2009 Wis. Act 185, but its reinsertion is required. The comma in curly brackets was inserted by 2009 Wis. Act 79, but is unnecessary. Corrective legislation is pending. NOTE:

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

18     **SECTION 72.** 48.38 (5) (d) of the statutes is amended to read:

19                      48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the  
20     permanency case plan shall, at least 5 days before a review by a review panel, provide  
21     to each person appointed to the review panel, the child's parent, guardian, and legal

1 custodian, the person representing the interests of the public, the child's counsel, the  
2 child's guardian ad litem, the child's court-appointed special advocate, and, if the  
3 child is an Indian child who is placed outside the home of his or her parent or Indian  
4 custodian, the Indian child's Indian custodian and tribe a copy of the permanency  
5 case plan and any written comments submitted under par. (bm) 1. Notwithstanding  
6 s. 48.78 (2) (a), a person appointed to a review panel, the person representing the  
7 interests of the public, the child's counsel, the child's guardian ad litem, the child's  
8 court-appointed special advocate, and, if the child is an Indian child who is placed  
9 outside the home of his or her parent or Indian custodian, the Indian child's Indian  
10 custodian and tribe may have access to any other records concerning the child for the  
11 purpose of participating in the review. A person permitted access to a child's records  
12 under this paragraph may not disclose any information from the records to any other  
13 person.

NOTE: NOTE: Par. (d) is shown as affected by 2 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (b). NOTE:

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

14 SECTION 73. 48.38 (5m) (title) of the statutes is amended to read:

15 48.38 (5m) (title) PERMANENCY CASE PLAN HEARING.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

16 SECTION 74. 48.38 (5m) (a) of the statutes is amended to read:

17 48.38 (5m) (a) The court shall hold a hearing to review the permanency case  
18 plan and to make the determinations specified in sub. (5) (c) no later than 12 months  
19 after the date on which the child was first removed from the home and every 12  
20 months after a previous hearing under this subsection for as long as the child is  
21 placed outside the home.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

**SECTION 75.** 48.38 (5m) (b) of the statutes is amended to read:

48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court shall notify the child; the child's parent, guardian, and legal custodian; ~~and~~ the child's foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living, of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate; the agency that prepared the permanency case plan; the person representing the interests of the public; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the date, time, and place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1.

NOTE: NOTE: Par. (b) is shown as repealed and recreated by 2009 Wis. Act 94, s. 122. Act 94, s. 122, did not take cognizance of the repeal and recreation of the provision by 2009 Wis. Act 79, s. 70. The bracketed material shows the changes needed to give effect to the Act 79 changes. Material that was not changed by Act 94, s. 122, but that was deleted or replaced by Act 79, s. 70, is shown in square brackets and material that was inserted by Act 79 but not included in Act 94 is shown in curly brackets. Corrective legislation is pending. NOTE:

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

**SECTION 76.** 48.38 (5m) (c) 2. of the statutes is amended to read:

48.38 (5m) (c) 2. If the child's permanency case plan includes a statement under sub. (4) (i) indicating that the child's age and developmental level are sufficient for the court to consult with the child regarding the child's permanency case plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court to consult with the child, the court determines that consultation with the child would be in the best interests of the child, the court shall consult with the child, in an age-appropriate and developmentally appropriate manner, regarding the child's permanency case plan and any other matters the court finds appropriate. If none of

those circumstances apply, the court may permit the child's caseworker, the child's counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, expressing the child's wishes, goals, and concerns regarding the permanency case plan and those matters. If the court permits such a written or oral statement to be made or submitted, the court may nonetheless require the child to be physically present at the hearing.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

**SECTION 77. 48.38 (5m) (d) of the statutes is amended to read:**

**48.38 (5m) (d)** At least 5 days before the date of the hearing the agency that prepared the permanency case plan shall provide a copy of the permanency case plan and any written comments submitted under par. (c) 1. to the court, to the child's parent, guardian, and legal custodian, to the person representing the interests of the public, to the child's counsel or guardian ad litem, to the child's court-appointed special advocate, and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, to the Indian child's Indian custodian and tribe. Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public, the child's counsel or guardian ad litem, the child's court-appointed special advocate, and, if the child is an Indian child who is placed outside of the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person.

~~NOTE: NOTE: Par. (d) is shown as affected by 2 acts of the 2009 Wisconsin Legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). NOTE:~~

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

1           **SECTION 78.** 48.38 (5m) (e) of the statutes is amended to read:

2           **48.38 (5m)** (e) After the hearing, the court shall make written findings of fact  
3 and conclusions of law relating to the determinations under sub. (5) (c) and shall  
4 provide a copy of those findings of fact and conclusions of law to the child; the child's  
5 parent, guardian, and legal custodian; the child's foster parent, the operator of the  
6 facility in which the child is living, or the relative with whom the child is living; the  
7 child's court-appointed special advocate; the agency that prepared the permanency  
8 case plan; the person representing the interests of the public; and, if the child is an  
9 Indian child who is placed outside the home of his or her parent or Indian custodian,  
10 the Indian child's Indian custodian and tribe. The court shall make the findings  
11 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to  
12 the child and shall document or reference the specific information on which those  
13 findings are based in the findings of fact and conclusions of law prepared under this  
14 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)  
15 7. without documenting or referencing that specific information in the findings of fact  
16 and conclusions of law or amended findings of fact and conclusions of law that  
17 retroactively correct earlier findings of fact and conclusions of law that do not comply  
18 with this paragraph are not sufficient to comply with this paragraph.

**History:** 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

19           **SECTION 79.** 48.38 (5m) (f) of the statutes is amended to read:

20           **48.38 (5m)** (f) If the findings of fact and conclusions of law under par. (e) conflict  
21 with the child's dispositional order or provide for any additional services not specified  
22 in the dispositional order, the court shall revise the dispositional order under s.